

REMARKS

In the Office Action dated November 5, 2004, claims 1-26 are pending. Claims 7-10, 14-20, 23, 25 and 26 are withdrawn from consideration as drawn to non-elected subject matter. Claims 1-6, 11-13, 21, 22 and 24 are under consideration and are rejected. The application is also objected to for certain informalities.

This Response addresses each of the Examiner's rejections and objections. Applicants therefore respectfully submit that the present application is in condition for allowance. Favorable consideration of all pending claims is therefore respectfully requested.

The Examiner indicates that it appears that Applicants filed certified copies of Japan Application Nos. 2000-087500, 2000-87501, and 2000-087504 on November 27, 2001. However, the Examiner states that the documents are not found in the file of the application.

Applicants respectfully submit that certified copies of the priority documents, mailed on November 27, 2001, were received by the United States Patent & Trademark Office, as evidenced by a return post card (a copy of which is enclosed). Applicants are providing herewith English translations of the priority documents thereby perfecting Applicants' claim of foreign priority.

The disclosure is objected to because of certain informalities. In response, Applicants have amended the brief description of Figure 10 to add sequence identifiers that correspond to the sequences depicted in Figure 10. Further, Applicants have added the appropriate sequence identifiers on page 8 of the specification for the two sequences disclosed therein. Moreover, Applicants have deleted the incorrect references to sequence identifiers on page 41 of the specification. No new matter is introduced by the foregoing amendments. In view of the foregoing amendments, the objection to the specification is overcome and withdrawal

thereof is therefore respectfully requested.

Claim 11 is rejected under 35 U.S.C. §102(e) as allegedly anticipated by Jacobson et al. (U.S. Published Application 2003/0054356 A1). The Examiner states that the priority date of the instant application is considered to be its PCT filing date, March 27, 2001, because Applicants have not provided English Translations of the foreign priority documents.

Applicants respectfully submit that English Translations of the foreign priority documents, Japan Application Nos. 2000-087500, 2000-87501, and 2000-087504, are provided herewith. All three Japanese applications were filed on March 27, 2000, i.e., before the priority date of Jacobson et al. of September 21, 2000. Therefore, Applicants respectfully submit that Jacobson et al. is not prior art relative to the present application. Withdrawal of the rejection under 35 U.S.C. §102(e) based on Jacobson et al. is therefore respectfully requested.

The Examiner has further rejected the claims under 35 U.S.C. §103(a) based on Jacobson et al. in combination with various references. Specifically, Claims 1 and 3 are rejected as allegedly unpatentable over Jacobson et al. as applied to claim 11 above, and further in view of Tyagi et al. (U.S. Patent No. 6,150,097) and Nakao et al., (U.S. Patent 6,589,740 B2). Claims 2 and 21 are rejected as allegedly unpatentable over Jacobson et al. in view of Tyagi et al. and Nakao et al., and further in view of Palo (U.S. Patent 6,556,296 B1). Claims 4 and 6 are rejected as allegedly unpatentable over Jacobson et al. and further in view of Nakao et al. Claims 5 and 22 are rejected as allegedly unpatentable over Jacobson et al. in view of Nakao et al. and further in view of Palo. Claims 12 and 24 are rejected as allegedly unpatentable over Jacobson et al. in view of Palo. Claim 13 is rejected as unpatentable over Jacobson et al. in view of Fujimiya et al. (U.S. Patent 5,190,632).

As submitted above, Jacobson et al. is not prior art relative to the present

application. Absent the primary reference (Jacobson et al.), the secondary references do not provide the requisite teaching or suggestion to arrive at the claimed invention. Therefore, the rejections under 35 U.S.C. §103(a) based on Jacobson et al. as the primary reference, in combination with various secondary references, are overcome. Withdrawal of the rejections is therefore respectfully requested.

In view of the foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter I. Bernstein', with a stylized, flowing script.

Peter I. Bernstein
Registration No. 43,497

Scully, Scott, Murphy & Presser
400 Garden City Plaza-STE 300
Garden City, New York 11530
(516) 742-4343

XZ:ab

Encls.:

Copy of the return postcard dated November 27, 2001;
English translations of the priority documents.